

Education Reform – School choice would benefit all Montanans

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"There is no respect in which inhabitants of a low-income neighborhood are so disadvantaged as in the kind of schooling they can get for their children." Economist Milton Friedman

Given the fact that Montana continuously ranks near dead last in the country in average wages and our "low-income neighborhoods" arguably encompass our whole state, it should not go un-noticed that Montana also ranks dead last nationally in educational choice reforms as well. The Center for Education Reform ranks Montana 51st (even behind Washington D.C.) in its Parent Power Index. And Friedman's economic analysis is spot on: There may be a direct connection between Montana's failure to provide educational freedom to our impoverished families and the continued multi-generational stagnation of economic opportunity in Montana.

Of course it is the entrenched special interests such as government union bosses and bureaucrats who block any and all attempts at true reform, insisting that the only answer is to throw more money at a system that already spends \$11,530 per student statewide. This means the average Montana worker's entire annual salary is devoured educating just 3 kids for nine months. This tired "increase spending" non-solution is repeated despite the fact that there are at least 138 studies nationwide which prove that level of funding bears no statistical correlation to quality of education.

To the contrary, numerous studies reveal real education reform which does work – and the key ingredient is true educational choice. Even liberal think tanks like the Brookings Institution concur that both public and private schools do a better job educating kids in "market" environments where there is true competition on a level playing field, as opposed to monopoly areas (such as Montana) where public schools have no real competition.

Even Democrat researchers John Chubb and Terry Moe concluded: *"Conventional education reforms have been generally unsuccessful in halting the decline in [school] performance and have little potential for doing so... The key to better schools is ...greater school autonomy... competition and parental choice. ...Although the goal of educational choice is to give our children a better education, it would also eliminate stultifying and expensive educational bureaucracies and may yield significant savings."*

Montana has the OPI bureaucracy, the MSBA bureaucracy, Board of Education bureaucracy, MEA bureaucracy, MHSA bureaucracy, MASA bureaucracy, MQEC bureaucracy, local superintendents bureaucracy, and county superintendents bureaucracy - each with their own fleet of lobbyists to intimidate and indoctrinate your legislators; all paid directly or indirectly at taxpayer expense, all claiming that increased spending is necessary "for the sake of the children," despite scores of studies proving otherwise.

If the last third of a century of world history taught us anything, it taught that government-run monopolies don't work. Free market competition produces a better product at lower cost. Yet, when it comes to education, strangely Montana remains in the dark ages of government-run monopoly with no form of publicly-funded educational choice whatsoever. Because legislators and governors alike fear the political power of these en-trenched educratic special interests, past legislatures refused to give Montana parents the consumer power needed to dent Montana's monolithic, monopolistic, non-responsive, inefficient education bureaucracy. So Montana is left in the dust of educational reform as the only western jurisdiction in the U.S. or Canada with no school choice of any kind. (Longstanding successful Alberta and British Columbia school choice plans both dis-prove the old canard that school choice can't work in low-population rural states).

This is National School Choice Week. To counteract the stagnating weight of these entrenched special-interests, Montana parents and taxpayers need to rise up. Contact your legislators. Urge them to support true education reform bills like SB81 (Scholarship Tax Credit) and HB213 (Tuition Tax Credit), which will enable low and moderate income Montana families to have the same freedom as the rich to choose education options for their children. Not only will this give parents and kids more choices to find the educational setting which is best for them; it will also improve public school effectiveness and efficiency... because Milton Friedman was right – free market competition always leads to better service at better cost.

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Milton Friedman Day (7/31) celebrates the Nobel Prize-winner's belief that human free choices and free markets unfettered by government restrictions historically produce the happiest, healthiest, wealthiest peoples. Friedman's free choice beliefs were most adamant in the education marketplace – where government-run monopoly schools often consign poverty families to multi-generational bondage to failure. Friedman wrote, *"There is no respect in which inhabitants of a low-income neighborhood are so disadvantaged as in the kind of schooling they can get for their children."*

Yet whenever Alaska choice advocates push legislation enabling low-income parents more freedom placing their children in public or private schools of their choosing, government unions and educratic special interests immediately claim reforms would violate the Alaska constitution's Blaine Amendment – which says *"No...public funds for the direct benefit of any religious or other private educational institution."* Rather than debate **many studies which show that both public and private schools perform better when they compete against each other on level playing fields**, the nationwide education cartel simply hides behind various state Blaine Amendments (Alaska, Montana, etc.)

To make way for school choice reform, the Legislature is considering giving Alaska voters the opportunity to abolish Alaska's Blaine Amendment. Come January this debate will be front-and-center. Yet School Choice reform is only one of many reasons Alaska should abandon its Blaine Amendment.

Consider that the US Supreme Court has already declared that *state constitution Blaine Amendments are unconstitutional under the federal Constitution*, because the 14th Amendment guarantees equal treatment under laws regardless of whether you are religiously affiliated... with no prejudicial discrimination permitted... either for or against religious organizations. In *Mitchell v. Helms* (6/28/2000) the prevailing opinion declared – *"hostility to aid to pervasively sectarian [religious] schools has a shameful pedigree that we do not hesitate to disavow. ... Opposition to aid to 'sectarian' schools acquired prominence in the 1870's... the [Blaine] amendment arose at a time of pervasive hostility to... Catholics in general, and it was an open secret that 'sectarian' was code for 'Catholic'... Nothing in the Establishment Clause requires the exclusion of pervasively sectarian schools from otherwise permissible aid programs, and other doctrines of this Court [i.e., equal protection] bar it. This doctrine [Blaine Amendment], born of bigotry, should be buried now"*.

So, in addition to being unconstitutional under the US Constitution, the second equally serious flaw in Alaska's Blaine Amendment is that it is rooted in religious bigotry. The **US Commission on Civil Rights** conducted a Washington briefing on *"The Blaine Amendment & Anti-Catholicism"* on 6/1/2007. Panelist Richard Komer concluded, *"...Blaine Amendments reek of religious discrimination. As such, they are illegitimate relics of a shameful past we have neither adequately acknowledged nor effectively remedied."*

Yet a third flaw in Blaine Amendments is the false narrative that such anti-religious prohibitions are somehow wise or prudent. We have almost 70 years of American history proving repeatedly that religiously-neutral student support is effective, efficient, and productive. The GI Bill provides government aid to veterans to attend the religious or secular school of their choice... with amazing results. Child Care and Development Block Grants provided government aid irrespective of the religious (on non-religious) affiliation of the child care institution... with similar positive results. Both federal and state Child Care Tax Credits directly subsidize the parents' choice of child care provider... regardless of the religious affiliations of the provider. Just three successful examples despite clear diametric conflict with state Blaine Amendments. So, if religiously-neutral, competitive level playing fields are good for college, pre-school, after school, and summertime programs; why isn't it also good for K-12 regular school programs? Here's why – none of these other programs have powerful government unions lobbying against them, opposing all attempts to reform the monopolistic system. That's the only difference. Politicians must grasp that key fact and choose sides rather than feigning "constitutionality" crisis issues. And government union lobbyists must start debating school choice on the merits of competition... refuting the many studies which reveal improved public school performance in school choice marketplaces; rather than clinging to the shameful anti-religious bigotry known as the Blaine Amendment... a reeking relic long past its time.

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(See my editorial) Montana ranks near dead last in educational freedom and parental choice. We also rank near dead last in average wages. No less an authority than Nobel Laureate economist Milton Friedman believed there was a direct connection between the lack of educational freedom and multi-generational poverty. Most all Montanans recognize the superiority of American competition and the free enterprise system compared to the old communist soviet command-and-control government-run economy. Yet, remarkably, when it comes to our most precious commodity, our own children, we suddenly and strangely revert to the sad notion that government-run monopoly is the **ONLY** option that will work. True school choice *with a level playing field of competition between public and private schools would improve the quality and efficiency of both public schools and private schools*. Even the liberal Brookings Institute and Democrat researchers Chubb and Moe concluded that.

I've been involved with the MT school choice movement for almost a quarter century, so I'd like to save the committee some time by quickly answering all of Eric Feaver's top 6 arguments ahead of time.

- 1) It's taking money away from public school students.... No it actually leaves more money per student in the public schools.
- 2) It's unconstitutional because it violates MT's Blaine Amendment.... No it doesn't because a) The money goes to parents, not to institutions b) It's a non-refundable credit so it really isn't a disbursement at all, and the MT Supremes have ruled such. c) Even if the money did go directly to religious schools and the govt union did take it to court, it would be the Blaine Amendment thrown out, not the tax credit.... Because the Blaine Amendment is unconstitutional under the US Constitution's 14th amendment – the Equal Protection clause.... You cannot exclude an institution from otherwise available government funding merely because it happens to be a religious institution. I'll pass out my Blaine Amendment op/ed when I've completed my testimony.
- 3) It's a major hit on the budget.... No it isn't. The Budget Office and OPI have "cooked the books". Let me quickly walk you through the Sponsor's fiscal note rebuttal, which I helped him prepare.
- 4) This tax credit will allow private schools to skim the cream of the crop from the public schools.... No, just the opposite, it is often the parents of kids who are struggling in the public schools who seek alternative educational choices. Plus, non-discrimination laws require private schools to take physically and learning disabled students.
- 5) This won't work in Montana because we're such a rural state.... Wrong. Alberta and BC have two of the most robust full school choice programs in the world; which have been operating successfully for decades.
- 6) We already have competition and school choice in MT because you can homeschool or pay for private school. No we don't, because it's *competition on a level playing field* that leads to a better quality product at lower cost. It is not a level playing field when private school parents are subjected to double taxation.... paying first for public schools through property taxes, then having to pay again through private school tuition. One of the three exceptions to allow a targeted credit is when the credit is needed to avoid double taxation or other unfair taxation. Truth is, this school choice tax credit would give poor families the same choices as rich families to choose their children's education option.

Madame Chair, today is my last day I'll be here for a while because I need to take medical leave to deal with and enlarged heart and related issues. So I'd like to close by telling a quick little humorous historical story from the early 1990's about Eric Feaver and I and our first go round on school choice... I'll let Eric have the final word if he believes I've engaged in any revisionism. Rep. Boharski, confined to a wheelchair, was just giddy... he said, *"We had a little old nun, a minister, a CPA, a Hutterite, a Native American Democrat, and a quadriplegic all lined up against Eric Feaver.... We've really got him on the ropes this time."*So here we are nearly a quarter century later, Montana remains one of only three states in the entire country with no school choice legislation or program whatsoever... and Eric Feaver is still standing.....